

ADVISORY OPINION 93-009

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

June 18, 1993

Mr. Bryan Smeathers  
911 Allen Street  
Owensboro, Kentucky 42303

Mr. Dick Moore  
2116 Griffith Place W  
Owensboro, Kentucky 42301

Mr. James C. Kennedy  
2594 Legion Park Drive  
Owensboro, Kentucky 42303

Rev. R.S. Brooks  
730 Breckenridge  
Owensboro, Kentucky 42303

Re: Advisory Opinion Request

Dear Mr. Smeathers, Kennedy, Moore and Brooks

Thank you for contacting the Registry. The facts to your question may be stated as follows:

For separate candidates in Owensboro, Kentucky, plan to split the cost of materials for homemade political advertising signs. Each candidate plans to list his share of the bill for the materials as an in-kind contribution to his own campaign fund.

Your question may be stated as follows: Are any election laws violated if four candidates purchase materials to make election advertising signs together and then report these expenditures as in-kind contributions to their individual campaigns?

The answer to your question is no. A candidate may split costs with other candidates so long as each candidate in this scenario pays for his fair share of the materials.

Please note that KRS 121.220(1) requires that each campaign expenditures be made from the candidate's designated campaign depository. Because of the expenditure requirements under KRS 121.220(1), you should pay the retailer for the materials with a campaign check if possible, and then contribute or loan the money for the materials to your campaign fund if the fund does not have

enough money to pay for the materials. You should avoid paying any individual candidates for materials with a campaign check because KRS 121.180(10) prohibits most contributions to other campaigns from an individual's campaign fund. It is a cleaner transaction if each individual candidate issues a separate check to the supplier for his or her share of the cost, as in splitting the check for a restaurant bill

However, if you choose to not pay the retailer directly, I suggest that you pay each other with a personal check, and then list your contribution of materials as an in-kind contribution to your campaign.

This opinion is based upon the question asked by your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/dt